

**STAFF REPORT FOR CALENDAR ITEM NO.: 10.4
FOR THE MEETING OF: August 8, 2019**

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION

Approve Amendment No. 2 to the Cooperative Agreement (Agreement) between the Transbay Joint Powers Authority (TJPA) and the Metropolitan Transportation Commission (MTC) to extend the Agreement's period of performance to December 31, 2019, with no additional compensation.

EXPLANATION

On September 25, 2018, workers discovered a fissure in the bottom flange of a steel girder in the ceiling of the bus deck level of the transit center near Fremont Street. Further inspections revealed a second fissure through half of the lower flange of a separate parallel girder near the same location.

At the request of the mayors of San Francisco and Oakland, MTC convened an independent peer review panel of technical experts to review the cause of the cracked beams and the plans to make repairs; this work was expected to take about 12 weeks. On November 8, 2018, the TJPA Board of Directors (TJPA Board) authorized the Executive Director to execute the Agreement with MTC for reimbursement of the peer review panel's fees for an amount not to exceed \$510,000 and a term through April 1, 2019.

Once the cause and effect of the fissures were better understood, stakeholders, including the TJPA Board, requested additional analyses and a building-wide review to ascertain whether any other areas of the transit center may be susceptible to brittle fracture or fatigue. The peer review team also engaged in more interim check-ins and reports than originally planned, and MTC added additional technical support from two outside consultants. On February 14, 2019, the TJPA Board authorized the Executive Director to execute Amendment No. 1 to the Agreement to increase the funding by \$500,000 for a revised total project cost not to exceed \$1,010,000 and to extend the period of performance to April 30, 2019.

The peer review panel issued a letter in early June, concluding that the team and consultants performed the proper due diligence in their evaluation of the root cause of the fracture, design of the repair, and search for other areas susceptible to brittle fracture, and concurring with the conclusions of Thornton Tomasetti, the structural engineer-of-record, that operations can resume. At that time, the panel noted that some aspects of their review were still ongoing; additionally, their final report remains to be completed. MTC and TJPA staff believe it would be prudent to extend the term of the Agreement through the end of the calendar year so that the peer review panel can complete these final details; no new scope of work or tasks are required, and no additional budget is contemplated to wrap up these outstanding items.

RECOMMENDATION

Staff recommends that the TJPA Board authorize the Executive Director to execute Amendment No. 2 to the Cooperative Agreement with MTC to extend the Agreement's period of performance to December 31, 2019, with no additional compensation.

ATTACHMENTS

1. Amendment No. 2 to Cooperative Agreement
2. Resolution

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, Pursuant to the Joint Powers Agreement creating the TJPA, dated April 4, 2001, the TJPA has the authority to, among other things, make and enter into contracts and exercise all powers necessary and proper to carry out the provisions of the Joint Powers Agreement; and

WHEREAS, On September 25, 2018, workers discovered a fissure in the bottom flange of a steel girder in the ceiling of the bus deck level of the transit center near Fremont Street. Further inspections revealed a second fissure through half of the lower flange of a separate parallel girder near the same location; and

WHEREAS, On October 4, 2018, the Mayors of the City and County of San Francisco and the City of Oakland urged the Metropolitan Transportation Commission (MTC) to convene an independent peer review panel of technical experts to review the cause of the fractures and the design of the repair of the girders; and

WHEREAS, MTC has requested that the TJPA reimburse MTC for certain fees related to the peer review panel; and

WHEREAS, On November 8, 2018, the TJPA Board of Directors authorized the Executive Director to execute a Cooperative Agreement (Agreement) with MTC for reimbursement of the peer review panel's fees for an amount not to exceed \$510,000 and a term through April 1, 2019; and

WHEREAS, The further-developed understanding of the cause and effect of the fissures led stakeholders, including the TJPA Board of Directors, to request additional but related analyses, including a building-wide review, which the peer review panel reviewed; and

WHEREAS, On February 14, 2019, the TJPA Board of Directors authorized the Executive Director to execute Amendment No. 1 to the Agreement to increase the maximum compensation to \$1,010,000 and extend the period of performance to April 30, 2019; and

WHEREAS, The peer review panel issued a letter in early June, concluding that the team and consultants performed the proper due diligence in their evaluation of the root cause of the fracture, design of the repair, and search for other areas susceptible to brittle fracture, and concurring with the conclusions of Thornton Tomasetti, the structural engineer-of-record, that operations can resume; and

WHEREAS, At that time, the panel noted that some aspects of their review were still ongoing and a final report needed to be completed. MTC and TJPA have determined that the term of the Agreement should be extended through the end of the calendar year so that the peer review panel can complete previously contemplated work; no new scope of work or tasks are required, and no additional budget is contemplated for the panel to wrap up these outstanding items; now, therefore, be it

RESOLVED, That the TJPA Board of Directors authorizes the Executive Director to execute a second amendment to the Cooperative Agreement between the TJPA and MTC extending the Agreement's period of performance to December 31, 2019, with no additional compensation.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of August 8, 2019.

Secretary, Transbay Joint Powers Authority

**AMENDMENT NO. 2 TO
COOPERATIVE AGREEMENT
Between METROPOLITAN TRANSPORTATION COMMISSION
And TRANSBAY JOINT POWERS AUTHORITY
For TRANSBAY TRANSIT CENTER PEER REVIEW PROJECT**

THIS AMENDMENT, effective April 30, 2019, is Amendment No. 2 to the Cooperative Agreement (“Agreement”), entered into on October 12, 2018 as amended February 14, 2019, between the TRANSBAY JOINT POWERS AUTHORITY, referred to herein as “TJPA,” and the METROPOLITAN TRANSPORTATION COMMISSION, referred to herein as “MTC.”

RECITALS

WHEREAS, TJPA is a joint exercise of powers authority created by the City and County of San Francisco, the Alameda-Contra Costa Transit District, the Peninsula Corridor Joint Powers Board, the California High Speed Rail Authority, and Caltrans, and TJPA has primary jurisdiction with respect to all matters concerning the financing, design, development, construction, and operation of the new transit center in downtown San Francisco; and

WHEREAS, On September 25, 2018, workers discovered a fissure in the bottom flange of a steel girder in the ceiling of the bus deck level of the transit center near Fremont Street. Further inspections revealed a second fissure through half of the lower flange on a separate girder parallel to the first near the same location at Fremont Street; and

WHEREAS, As a result of the fissures, project contractors have implemented a shoring system at Fremont Street as well as at First Street (which has a similar design as Fremont Street) (“Temporary Shoring System”); and structural engineers are designing a proposed permanent reinforcement fix for Fremont Street and First Street (“Permanent Reinforcement Fix”); and

WHEREAS, TJPA and MTC have agreed MTC will facilitate a panel of technical experts to participate in an independent review of the Temporary Shoring System and the Permanent Reinforcement Fix, TJPA’s findings with respect to the cause of the fissures, and such other related matters as appropriate; and

WHEREAS, MTC has started to facilitate the independent peer review panel, and the panel’s work is on-going; and

WHEREAS, the further-developed understanding of the cause and effect of the fissures has led to additional but related analyses and investigations that the peer review panel will review; and

WHEREAS, on February 14, 2019, TJPA and MTC executed Amendment No. 1 to the Agreement to increase funding by five hundred thousand dollars (\$500,000) for a revised total project cost not to exceed one million ten thousand dollars (\$1,010,000) and to extend the period of performance to April 30, 2019; and

WHEREAS, as some aspects of the peer review are still ongoing, and the peer review panel's final report remains to be completed, TJPA and MTC now wish to enter into Amendment No. 2 to the Agreement to extend the period of performance to December 31, 2019.

NOW, THEREFORE, the parties hereby agree as follows:

1. Article III.B is revised as follows:

B. The term of the Agreement shall begin on the Effective Date and conclude on December 31, 2019, unless either party terminates this agreement earlier as provided below except for obligations of the parties that by their nature would extend beyond such term.

2. Retention of Contract Provisions. Except as provided herein, all other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment effective on the date first mentioned above.

TRANSBAY JOINT POWERS AUTHORITY

METROPOLITAN TRANSPORTATION
COMMISSION

By: _____
Mark Zabaneh, Executive Director

By: _____
Therese W. McMillan , Executive Director

Approved as to form:

Attorney
TJPA

Transbay Joint Powers Authority
Board of Directors

Resolution No. _____
Adopted: _____
Attest:

Secretary, TJPA Board